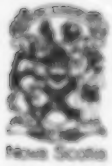
92-00843/



ANNUAL REPORT

for the year ending
December 31, 1990

Environmental Control Council

Text pages printed on paper
that contains recycled fibre

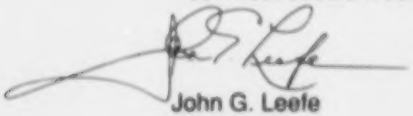
To His Honour
The Honourable Lloyd R. Crouse, P.C.
Lieutenant-Governor of Nova Scotia

May It Please Your Honour:

I have the honour to submit the Annual Report of the Nova Scotia Environmental Control Council for the year ending December 31, 1990.

I have the honour to be, Sir:

Your most obedient servant,



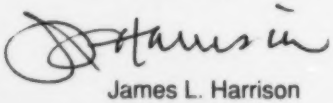
John G. Leefe
Minister

Honourable John G. Leefe
Minister of the Environment
Province of Nova Scotia

Dear Minister:

I have the honour to submit the Annual Report of the Nova Scotia Environmental Control Council for the year ending December 31, 1990.

Respectfully yours,



James L. Harrison
Chairman

INTRODUCTION

The Nova Scotia Environmental Control Council is a citizens' advisory board appointed to advise the Minister of the Environment. The Council, established under the Environmental Protection Act, Statutes of Nova Scotia 1973, Chapter 6, SNS 1973 C.6, represents the interests of the environment and general public in resource decisions.

This annual report is submitted under Section 16 of the Environmental Protection Act and describes Council activities during the 1990 calendar year.

STRUCTURE

The Nova Scotia Environmental Protection Act, Chapter 6 of the Statutes of Nova Scotia, sets out the composition, function, and responsibilities of the Environmental Control Council. The Nova Scotia Environmental Assessment Act, Statutes of Nova Scotia 1989, provides an opportunity for greater public participation in the environmental assessment process. Participation in public hearings, as part of the review process, will necessitate greater involvement and responsibility on behalf of Council members.

The Environmental Protection Act provides for 12 to 15 members to be appointed by the Governor-in-Council to represent 11 specific disciplines or sectors of society: Academic, Agriculture, Conservation, Engineering, Fishery, Forestry, Health, Industry, Labour, Legal, and Municipal. In addition, the members of Council are expected to reflect, in so far as possible, the concerns of their geographic communities during Council deliberations.

The Deputy Minister of the Nova Scotia Department of the Environment is an ex-officio member of the Council. The Secretary/Chief Executive Officer is appointed by the Minister.

ENVIRONMENTAL CONTROL COUNCIL MEMBERSHIP IN 1990

Discipline	Name	Expiry Date of Appointment
Academic	Marguerite Lloyd South Berwick	April 3, 1992
Agriculture	Bruce Rand Dalhaven	February 9, 1991
Conservation	James Harrison Dartmouth	April 3, 1992
Engineering	Michael McGill Truro	May 2, 1992
Fisheries	Crosby McLeod Port Mouton	June 30, 1992
Forestry	Norman MacIsaac Goshen	March 1, 1991
Health	Edison Skinner Pictou	May 2, 1992
Industry	Harold Dobson Liverpool	November 30, 1991
Labour	Cecil Wilson New Waterford	Resigned May 2, 1990
Legal	John MacPherson Halifax	February 28, 1992
Municipalities	Lloyd Wilkie North Sydney	March 1991
Members-at-Large	Gordon Beanlands Halifax	February 28, 1992
	Melbourne Blinn Little Brook	February 10, 1991
	Donald Bragg Halifax	February 9, 1991
	Sandra Stafford Brooklyn	February 9, 1991

Discipline	Name	Expiry Date of Appointment
Executive Members		
	Marguerite Lloyd South Berwick	
	Edison Skinner Pictou	
	James Harrison, Chairman Dartmouth	

During 1990 the following changes to Council membership occurred:

(1) Mr. Cecil Wilson, representing the Labour sector, resigned on May 2, 1990. This position is presently vacant.

(2) Mr. Gordon Beanlands of Halifax was appointed as a member-at-large.

(3) Mr. John MacPherson of Halifax was appointed as a representative from the legal profession.

(4) Mrs. Shirley Nicholson was appointed to the position of Secretary/ Chief Executive Officer. The Chairman and indeed the whole Council, was extremely pleased that Mrs. Nicholson was appointed to this position. An office has been provided for Council on the 5th floor of the Terminal Building in Halifax. This arrangement is working very well with ongoing contact and coordination with the Chairman. Staff support for office services and research was provided by personnel from the Department of the Environment.

(5) Mr. Lloyd Wilkie's term as representative from the Municipalities will expire in early 1991.

It is vital for Council to have representation from the Labour and Municipalities sectors. Also, in view of the impending work load relating to the numerous hearings under the Environmental Assessment Act, the Council requires a full complement of members to fulfill its responsibilities.

FUNCTION OF COUNCIL

As set out in the Environmental Protection Act, the function of the Environmental Control Council is to:

(1) recommend to the Minister policies, planning, and programs related to the preservation and protection of the environment

(2) review and appraise programs and activities of other persons, government departments, and agencies in light of their impact or effect upon the environment and make recommendations to the Minister — including but not limited to — environmental guidelines for their use

(3) consult and cooperate with other government departments and agencies having duties and responsibilities in relation to the environment

(4) inquire into and report to the Minister upon any matter pertaining to the preservation and protection of the environment

(5) recommend to the Minister regulations and standards for the preservation and protection of the environment

(6) appoint standing or special committees and may delegate to a standing or special committee such authority as the committee requires to perform its functions and duties

(7) perform such other acts and duties as may be assigned to Council by the Governor-in-Council or the Minister

Further under the Environmental Assessment Act, the Council shall:

(1) review an environmental assessment in respect of an undertaking referred to the Council by the Minister

(2) consult with the public by inviting written submissions from the public, by conducting a public hearing, or in such other manner as determined by the Council

(3) recommend to the Minister the approval or disapproval of an undertaking, or conditions which ought to be imposed upon an undertaking if it proceeds

(4) perform functions and exercise powers conferred upon the Council in respect of the Environmental Protection Act

(5) perform such functions and exercise such powers as may be assigned to or conferred upon the Council by the Governor-in-Council or the Minister.

MEETINGS

The Council held five meetings in 1990, while the Executive met on two occasions:

Council Meetings:

March 20 &21	Halifax
May 9	Halifax
June 27	Halifax
September 11 & 12	Digby
November 13 & 14	Halifax

INFORMATION SEMINARS AT COUNCIL MEETINGS

Regular Council meetings incorporate special presentations on specific environmental topics for the education of Council members. Speakers are chosen to present various perspectives on any given subject.

During the Council meeting held in March, the Deputy Minister of the Department of the Environment, Mr. Armand Pinard, informed Council in detail of the departmental re-organization. It was pointed out that under this new organizational plan authority will be decentralized, giving the regional offices the power to make effective decisions on matters of local concern.

A media seminar was held in May to inform and assist members of Council in media relations as they pertain to public hearings. Representatives from ATV, CBC and Nova Scotia Information Services gave presentations on how best to obtain accurate press coverage at public hearings. Impromptu interviews of members were also conducted. At the June meeting of Council, Ms. Margaret Murphy, Public Relations Officer with the Nova Scotia Department of the Environment, provided members with her comments on this media seminar.

In September, Council was given a presentation on the action taken regarding Council's 53 recommendations on the Point Aconi project by Nova Scotia Power Corporation representatives, Mr. O. Bentacourt and Mr. T.F. MacDonald.

At the November meeting of Council a presentation was given by Ms. Anne Corbin of the Ecology Action Centre on the Neighborhood Environmental Project Network. Dr. Owen Hertzman of Dalhousie University's Department of Oceanography addressed Council on the controversial topic of global warming.

Throughout the year representatives from the Environmental Review section of the Nova Scotia Department of the Environment have provided members with status updates on projects registered under the Environmental Assessment Act. Council has also been kept informed on any new environmental legislation.

HEARINGS

Under sections 14(c) and 15 of the Environmental Assessment Act, the Minister may refer an Environmental Assessment Report to the Council for public consultation. During 1990, a hearing panel conducted one hearing and another project has been referred and will require hearings in the new year.

POINT ACONI GENERATING STATION

An Environmental Control Council panel consisting of members Shirley Nicholson, Michael McGill, and James Harrison, Chairman, was appointed in the fall of 1989 to hold public hearings on the proposed Point Aconi power generating station.

This panel began study of the reports and written submissions received regarding this undertaking in October, 1989. After several months of preparation, public hearings were held at Point Aconi on January 17, 1990. Thirteen submissions were received by Council from those opposed to or in favour of the proposed undertaking. The report from Council to the Minister recommended conditional approval of the Point Aconi project. The conditions imposed were outlined in the report's 53 recommendations.

BLACK GOLD ENTERPRISES

On December 6, 1990, the Minister of the Environment referred Black Gold Enterprises Ltd., an undertaking described as a coal wash and recovery project, to Council for public consultation. Panel members Donald Bragg, Sandra Stafford, and Michael McGill as Chairman began preparations to conduct public hearings in the Springhill area in early 1991.

On December 1, 1990, new Environmental Assessment Hearing Regulations were passed by the Nova Scotia government.

All written submissions, hearing transcripts, technical reports, and information supplied by the proponent, intervenors, and members of the public will be made available as public documents. The Council may conduct on-site visits prior to the hearings and may hold pre-session conferences and invite interested participants to define the issues. The new hearing regulations, passed under the Environmental Assessment Act., were prepared after examination of procedures followed in other jurisdictions and employed the power granted to Council to make recommendations to the Minister.

ACTIVITIES OF COUNCIL

Acting on behalf of the Environmental Control Council, the Chairman, Mr. James Harrison, and the Secretary/Chief Executive Officer, Mrs. Shirley Nicholson, attended a number of meetings and seminars during 1990. These are listed below:

Atlantic Provinces Ministers of the Environment
On February 6, 1990 the Chairman attended a reception and dinner for the Atlantic Provinces Ministers of the Environment.

Hearing Structure and Intervenor Funding
On March 23, 1990, the Chairman and the Secretary/Chief Executive Officer met with Ms. Lois Corbett of Ecology Action Centre, Mr. Bruno Marcocchio of the Cape Breton Coalition for Environmental Protection, and Mr. Charles Restino of the Cape Breton Coalition against Pesticides. The main topics discussed were hearing structures and intervenor funding.

Canadian Institute of Resources Law
On May 28, 1990 the Secretary/Chief Executive Officer attended a reception held by the Canadian Institute of Resources Law.

Administrative Law Conference
On April 28, 1990, the Chairman addressed the Administrative Law Conference sponsored by the Continuing Legal Education Society of Nova Scotia on the topic "The Nova Scotia Environmental Control Council."

T.U.N.S. Seminar — The Environmental Assessment of Projects
On May 29–30, the Chairman was invited to give a presentation to the Technical University of Nova Scotia on "The Environmental Assessment of Projects." Unfortunately, the seminar was cancelled because of low registrations and is being rescheduled for 1991.

Open House — Bedford Institute of Oceanography
On October 17, 1990 the Chairman attended an open house at the Bedford Institute of Oceanography in Dartmouth.

Canadian Council of Minister of the Environment (CCME)
On November 7, 1990, the Secretary/Chief Executive Officer and Chairman met with Dr. Eva Rosinger, Director General of the Canadian Council of

Ministers of the Environment Secretariat. Topics discussed included the mandate, structure, and activities of the Nova Scotia Environmental Control Council.

Open House — N.S. Research Foundation
On November 7, 1990, the Chairman attended an open house at the Nova Scotia Research Foundation Corporation in Dartmouth.

Round Table Reception
On November 22, 1990, the Chairman attended a reception sponsored by the National Round Table on the Environment and the Economy and the Nova Scotia Round Table.

Task Force on Clean Water
The Chairman served as a member of the Nova Scotia Clean Water Task Force during 1990, attending public meetings across the province and helping formulate the interim report. Mr. Harrison will continue to serve on the task force until the final report is released in 1991.

14TH ANNUAL ASSEMBLY OF CANADIAN ENVIRONMENTAL ADVISORY COUNCILS

Council was represented at the 14th Assembly in Winnipeg by the Secretary/Chief Executive Officer, Mrs. Shirley Nicholson, and Chairman, Mr. James Harrison. The assembly was hosted this year by the Manitoba Environmental Advisory Council and was held in Winnipeg 19-22 September, 1990. The theme chosen for the Assembly was "Environmental Impact Assessment — The State of the Nation." Delegates had the opportunity to partake in three workshops: Role of the Environmental Impact Assessment, Relationship to Planning and Interjurisdictional Considerations, and Process and Monitoring.

The 15th Assembly of the Canadian Environmental Advisory Councils in 1991 is scheduled to be held in Edmonton, Alberta.

STUDIES BY COUNCIL

A number of sub-committees of Council have been formed to recommend to the Minister policies, planning, and programs related to the preservation and protection of the environment.

INTERVENOR FUNDING COMMITTEE

This committee was established to study and assess systems used in other jurisdictions, federal and provincial, for the funding of intervenors at public hearings. The committee will continue to work with the Public Participation committee of the Nova Scotia Round Table on the Environment and Economy in coordinating studies and activities. Recommendations regarding an intervenor funding program for Nova Scotia will be provided to the Minister of the Environment.

ENVIRONMENTAL AWARDS COMMITTEE

This committee selects the recipients of the Nova Scotia Environmental Awards and Certificates of Merit. Recipients chosen from the following categories: Education, Business/Industrial, Youth, Government, Citizens Groups or Organizations, Individual, Professional, Sustainable Development, and Science Fairs. Awards selection will be made on the basis of degree and significance of the effect of the project on environmental quality.

CITIZENS GUIDE COMMITTEE

This committee is responsible for the Public Participation section of the "Citizens' Guide to Environmental Assessments," currently being written by the Education and Technical Training section of the Nova Scotia Department of the Environment.

HEARING PROCEDURES COMMITTEE

This committee has studied present procedures during hearings under the Environmental Protection Act and the Environmental Assessment Act and submitted recommendations regarding hearing procedures to the Minister for action. On December 1, 1990, the Nova Scotia government passed the Environmental Assessment Hearing Regulations under the Environmental Assessment Act. These regulations focus on mechanisms for improving access to information and procedures for allowing greater input into hearings and eventual recommendations.

ENVIRONMENTAL REGULATIONS COMMITTEE

This committee will study present and proposed regulations under the Nova Scotia acts that deal with matters respecting the environment and recommend changes/deletions/additions.

LEGISLATION

The Council was pleased to see the continuing effort to provide effective environmental legislation in Nova Scotia. The following Acts and Regulations came into effect during 1990:

Litter Abatement Act
Recycling Act
Environmental Trust Act
Environmental Assessment Hearing Regulations
Asbestos Waste Regulations
Municipal Waste Incinerator Regulations
Waste oil Regulations
Derelict Vehicles Removal Regulations
Amendment No. 1 to the Environmental Assessment Act
Gasoline Volatility Regulations
General Litter Abatement Regulations
Beverage Container Regulations
Amendment No. 1 and No. 2 to the Pest Control Products Regulations
Resource Recovery Fund Regulations
Amendment No. 1 to the Resource Recovery Fund Regulations
Water Licence and Permit Regulations

MINISTERIAL ORDERS

During 1990 a total of 16 Ministerial Orders were issued against violators of environmental laws. The Executive members on Council received and reviewed these orders, and they were acknowledged by the Chairman on behalf of Council. The following is a list of the Ministerial Orders for 1990:

Irving Oil Limited (Order of Revocation)	Enfield	23 January
Wonderland Mobile Home Park Limited	Lake Echo	21 February
Village Commissioners of St. Peter's	Richmond Co.	23 February
Siteman's Petro-Can	Oyster Pond	29 March
Municipality of the County of Cumberland	Cumberland	04 April
Seagull Pewter & Silversmiths Limited	Pugwash	29 May
David Smith, James R. Johnson, North East Logging	Colchester Co.	23 August
Associated Electronics & Metal Salvage Limited	Armdale	19 September
Pictou County Excavators Limited et al	Pictou Co.	26 September
Swansburg Construction Ltd.	Shelburne	04 October
Russell G. Boutilier	Eastern Passage	10 October
Melville Ridge Holdings Ltd. et al	Halifax	26 October
Melville Ridge et al Amendment No. 1	Halifax	31 October
Municipality of the County of Antigonish	Antigonish Co.	20 November
Curragh Resources Inc.	Pictou County	20 November
LeVatte Construction Company Limited	Blackett's Lake Cape Breton Co.	29 November

ENVIRONMENTAL AWARDS — 1989

The 11th annual Environmental Awards were presented by the Honourable John Buchanan, Premier, and the Honourable John G. Leefe, Minister of the Environment, on April 4, 1990, in the Red Chamber of Province House. The Premier expressed appreciation on behalf of the government and the people of Nova Scotia to the award winners.

Environmental awards were presented in the following categories:

Business/Industrial

Award:	Edmonds Landscape Services, Halifax Environmental Education
Certificate of merit:	Laurence Sweeney Fisheries, Yarmouth Fishmeal Plant

Citizen Group/Organization

Award:	West Pictou Wildlife Association, Youth Training Project
Certificate of Merit:	Oakland-Indian Point Residents' Association Martin's River Clean-Up

Education

Award:	Holland Road School, Windsor Outdoor Education Program
Certificate of Merit:	Peggy Cameron, Truro Junior High School Earth Bag Project

Government

Award:	City of Dartmouth Cleaner & Greener Campaign
	Nova Scotia Youth Conservation Corps Environmental Awareness Program

Individual Citizen

Award:	Deborah Tobin, Halifax Stop the Balloon Launch
Certificate of Merit:	Lauchie Smith, Whycocomagh Litter Abatement and Habitat Improvement Projects

Individual Youth

Award:	Chris MacDougall, Donkin Public Awareness Campaign
Certificate of Merit:	Samuel Howse, Bedford Environmental Board Game

Youth Group

Award:	Middleton Scouting Association Recycling Project
Certificate of Merit:	Park View Education Centre

Professional

Award:	George Taylor, Halifax Outdoor Education Program
Certificate of Merit:	Dr. Patricia A. Lane, Halifax Environmental Consulting

Sustainable Development

Award: Organic Crop Improvement Association of Nova Scotia Organic Food System

The Council received over 70 nominations for the various categories. This year, the Youth category was expanded to include: (1) Individual Youth and (2) Youth Group.

The Nova Scotia Environmental Control Council occupies a significant position in the environmental life of the province and looks forward to further service on behalf of the people of Nova Scotia.